

**CIVIL SERVICE COMMISSION MINUTES**

**MAY 19, 2004**

A meeting of the Civil Service Commission was held at 2:30 p.m., in Room 358 at the County Administration Building, 1600 Pacific Highway, San Diego, California.

Present were:

Marc Sandstrom  
A.Y. Casillas  
Gordon Austin  
Barry I. Newman  
Francesca Krauel

Comprising a quorum of the Commission

Support Staff Present:

Larry Cook, Executive Officer  
Ralph Shadwell, Senior Deputy County Counsel  
Selinda Hurtado-Miller, Reporting

**Approved  
Civil Service Commission**

**June 16, 2004**

**COUNTY OF SAN DIEGO  
CIVIL SERVICE COMMISSION MINUTES  
MAY 19, 2004**

1:45 p.m.            CLOSED SESSION: Discussion of Personnel Matters and Pending Litigation

2:30 p.m.            OPEN SESSION: Room 358, 1600 Pacific Highway, San Diego, California 92101

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<u>Discussion Items</u>	<u>Continued</u>	<u>Referred</u>	<u>Withdrawn</u>
1,2,3,4,5	3,4,5,6,7		

COMMENTS: Motion by Newman to approve all items not held for discussion; seconded by Krauel. Carried.

**CLOSED SESSION AGENDA  
County Administration Center, Room 458  
(Notice pursuant to Government Code Sec. 54954.2)  
Members of the public may be present at this  
location to hear the announcement of the  
closed session agenda.**

A. Commissioner Casillas: Randall A. Dierlam, Esq., on behalf of **Gregory Deuerlein**, former Deputy Sheriff, appealing an Order to Terminate and Charges from the Sheriff's Department.

B. Commissioner Sandstrom: Everett Bobbitt, Esq. on behalf of **2004-05\***, Deputy Sheriff-Detentions/Court Services, appealing an Order of Pay Step Reduction and Charges from the Sheriff's Department.

**OPEN SESSION AGENDA  
County Administration Center, Room 358**

NOTE: Five total minutes will be allocated for input on Agenda items unless additional time is requested at the outset and approved by the Commission President.

**MINUTES**

1. Approval of the Minutes of the regular meeting of May 5, 2004.

Commissioner Sandstrom requested that his vote be recorded in the Minutes of May 5, 2004, Item No. 4. He had opposed that

motion and was in favor of termination.

**Motion by Sandstrom to approve Minutes as corrected;  
seconded by Casillas. Approved.**

**AYES:** Sandstrom, Casillas, Newman, Krauel  
**NOES:** None  
**ABSTENTIONS:** Austin  
**ABSENT:** None

## **DISCIPLINES**

### **Findings**

2. Commissioner Casillas: Randall A. Dierlam, Esq., on behalf of **Gregory Deuerlein**, former Deputy Sheriff, appealing an Order to Terminate and Charges from the Sheriff's Department.

Prior to the reading of the Findings and Recommendations, Robert Faigin, legal advisor to the Sheriff, requested that the Commission strongly consider the standard of "honesty" that is a core value and highly valued in the Sheriff's Department.

### **FINDINGS AND RECOMMENDATIONS:**

Employee was charged with Cause I - Conduct unbecoming an officer of the County of San Diego (signed a proof of service for an unlawful detainer-eviction form as if the service had been executed when in fact it was not served to the listed defendant); Cause II - Dishonesty; Cause III - Dishonesty; Cause IV - failure of good behavior; Cause V - Dishonesty; and Cause VI - acts which are incompatible with and/or inimical to the public service.

Appellant Deputy Gregory Deuerlein appealed an Order to Terminate and Charges from the Sheriff's Department. He was charged with accepting money from a private citizen to sign a sworn statement on a court document falsely asserting he had personally served the document on certain individuals. The alleged incident occurred while the Appellant was off duty. At the Commission hearing, Appellant waived his right to a closed hearing. Appellant responded to the Department's charges by asserting that he was confused about the sworn statement at the time of the incident. He believed he was signing a "duplicate original" relating to an earlier service he had validly performed. The sworn statement itself was incomplete and defective.

Appellant's own testimony and prior admissions contradicted his defense. At the time of the incident, he knew he was attesting to a service he did not perform. Moreover, he

accepted money for this falsification. The acceptance of money for the falsification of a court document justifies the Department's harshest discipline.

Employee is guilty of Cause I, Cause III, Cause IV (in part), Cause V and Cause VI. Employee is not guilty of Cause II and Cause IV (in part). It is therefore recommended that the Order to Terminate and Charges be affirmed; that the Commission read and file this report; and that the proposed decision shall become effective upon the date of approval by the Civil Service Commission.

**Motion by Casillas to approve Findings and Recommendations; seconded by Newman. Carried.**

Commissioner Newman addressed Mr. Faigin's comments regarding the core values of the Sheriff's Department. He assured Mr. Faigin that the Commission acknowledges and respects the values of the Sheriff's Department, most importantly, honesty. He requested that Mr. Faigin relay this sentiment to the appointing authority.

3. Commissioner Sandstrom: Everett Bobbitt, Esq. on behalf of **2004-05\***, Deputy Sheriff-Detentions/Court Services, appealing an Order of Pay Step Reduction and Charges from the Sheriff's Department.

Commissioner Sandstrom stated that he had been prepared to accept the stipulation entered into between the Sheriff and Appellant. However several Commissioners have raised issues regarding the propriety, not only of the charges, but also the reduction of the charges, in the stipulation. He requested that the Department address this issue and asked that this matter be continued to the Commission's next regular meeting.

**Motion by Newman to continue this item to the next regular meeting; seconded by Austin. Carried.**

**Continued.**

## **DISCRIMINATION**

### **Complaints**

4. **Gustavo Godoy**, Project Manager, Department of Parks and Recreation, alleging racial discrimination by the Department of Parks and Recreation.

RECOMMENDATION: Assign an Investigating Officer and concurrently appoint the Office of Internal Affairs to conduct an investigation and report back. (See item #5 below.)

Dennis Floyd, Deputy County Counsel, requested that this matter, as well as item No. 5 below, be continued in light of the letter from County Counsel to the Commission, and Mr. Godoy. These matters may become moot, and County Counsel requested that they be revisited at the next regular meeting after Mr. Godoy has had an opportunity to review the facts outlined by the Department.

**Motion by Austin to continue Item Nos. 4 and 5 to the next regular meeting; seconded by Newman. Carried.**

## **SELECTION PROCESS**

### **Complaints**

5. **Gustavo Godoy**, Project Manager, Department of Parks and Recreation, appealing his non-selection for the classification of Senior Park Project Manager by the Department of Parks and Recreation.

RECOMMENDATION: Hold in abeyance pending the outcome of the discrimination investigation. (See item #4 above.)

**Continued. See Item No. 4 above.**

## **OTHER MATTERS**

6. Civil Service Commission 2004-06 Operational Plan

**Motion by Newman to continue Item Nos. 6 and 7 to a future meeting; seconded by Austin. Carried.**

Donna Clark-Richardson, worksite organizer for SEIU Local 2028 appeared on behalf of her supervisor, Ron Frease. She addressed Item Nos. 6 and 7 below. Ms. Clark-Richardson provided the Commission with verbal and written notice that SEIU requests to be notified of all future meetings. She also stated that the Union strongly opposes Item No. 7.

7. Executive Officer Classification: Salary and Recruitment

**Continued. See Item No. 6 above.**

8. Public Input.

ADJOURNMENT: 3:45 p.m.

**NEXT REGULAR MEETING OF THE CIVIL SERVICE COMMISSION: JUNE 16, 2004.**